

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13th DAY OF DECEMBER 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T. C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	John A. Muffo	-Supervisors
	Steve L. Spradlin	

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit

Gary & Linda Creed request a Special Use Permit on a 5.139 acre tract in Agriculture (A-1), with possible conditions, to allow a family subdivision of property in excess of the amount allowed under sliding scale. The property is located at the end of the state maintenance of Crozier Road (Route 833), and is identified as Tax Parcel No. 59-2-8C (Acct ID # 110822) in the Shawsville Magisterial District. The property currently lies in an area designated as Resource Stewardship Area in the Comprehensive Plan.

The Planning Director provided an overview of the proposed request. The applicants have requested a special use permit to allow a division of a 5.139 acre tract into two lots. The applicants plan to give one tract each to their two children. The original property owner was allowed four lots on the 27.62 acre parent parcel. One lot was assigned in July 2003 and the

remainder of the parcel was subdivided into three parcels, therefore, using all four lot assignments. An additional division for a family subdivision can be granted through a special use permit approved by the Board of Supervisors. At their December 8, 2004 meeting, the Planning Commission recommended denial of the special use permit.

Gary Creed, speaking on behalf of his application, provided additional information on his request. He explained that he would like to give each of his two children a tract of land. One parcel contains a pond, therefore, the most suitable parcel is the 5.139 tract that can be more evenly divided. He also asked the for the Board's consideration of his request.

There being no speakers, the public hearing was closed.

Special Use Permit

Carl & Ramsey McNeil (Agent: Town of Christiansburg) request a Special Use Permit on 134 acres in Agriculture (A-1), with possible conditions, to allow a biosolids disposal site. The property is located at the end of Old Pagelyn Road, and is identified as Tax Parcel No(s). 125-2-1, 44; 125-A-1,2A, 2B,2C (Acct ID #'s 035628, 008773, 035625, 035626, 035627, 070292, 008776) in the Riner Magisterial District. The property currently lies in an area designated as a Resource Stewardship Area in the Comprehensive Plan.

The Zoning Administrator provided a brief overview of this request. The applicants request a special use permit to allow the Town of Christiansburg Waste Water Treatment Plant to dispose of municipal biosolids for agricultural operations. The biosolids will be used as fertilizer for the property. The Zoning Administrator stated there should be no major impact on the property as long as a sufficient buffer is maintained along the Little River and other state regulations are followed. All application of biosolids shall be in accordance with state regulations and the Town of Christiansburg's Biosolids Management Plan. At their December 8, 2004 meeting, the Planning Commission recommended approval of this request.

Barry Helms, Town of Christiansburg, spoke as agent for the applicant. Mr. Helms reported that the Town of Christiansburg currently is disposing of biosolids on the Childress Farm. The Town is unable to dispose of the biosolids entirely and needs an additional site to dispose of the remaining biosolids. The Town is currently using Childress Farm one time a month and is proposing to use the McNeil Farm 3-4 times per year.

There being no speakers, the public hearing was closed.

Rezoning Request

Milton W. Reed (Agent: Stroubles Creek LP) request to rezone 10.79 acres from Agricultural (A-1) to Multi-family Residential (RM-1), with possible proffered conditions, for a 60-unit apartment complex. The property is located at 1710 Merrimac Road and is identified as Tax Parcel No. 53-A-26 (Acct. ID # 070896) in the Price's Fork Magisterial District. The property currently lies in an area designated as Residential Transition Area in the Comprehensive Plan.

The Zoning Administrator provided a brief overview of the request. He explained that a similar request was before the Board in February 2004. The Planning commission recommended denial of this request and the request was withdrawn by the applicant on March 15, 2004. The applicant has resubmitted the request with additional proffers and changes. The applicant is proposing to construct a 60 unit apartment complex on the former sewage treatment plant property on Stroubles Creek. The Zoning Administrator stated that the proposed project is well designed and does address a housing need that has been described in the comprehensive plan. However, this use of the property does not appear to be suited for this area and does not comply with the existing comprehensive plan. The density of the proposal is far greater than any of the surrounding land uses and therefore not in keeping with the existing character of the area. The applicant has submitted eleven (11) proffered conditions, limiting the density, controlling the design of the development and providing physical improvements to the property.

At their December 8, 2004 meeting, the Planning Commission recommended denial of this request stating it is not in conformance with the comprehensive plan.

Mark Kinser, agent for applicant, addressed the Board in support of the proposed request. Mr. Kinser stated the applicant is proposing to construct affordable housing apartments, which is much needed in Montgomery County. Mr. Kinser also provided a slide show on the current condition of the abandoned sewage treatment plant site. He stated there are public health and safety concerns with the current conditions, such as sludge in the holding tanks and the potential for runoff into the creek. Mr. Kinser explained the proffers offered by the applicant and believes this proposal will be an enhancement to the community. He urged the Board to support this request.

Don Graham addressed the Board with several concerns with the proposed request. Mr. Graham expressed concerns with the current condition of the road and site distance with the entrance to the property. He stated he was opposed to the rezoning and stated if the property poses a public health then the applicant should be made to clean the site up.

Nick Rush addressed the Board in support of the proposed rezoning. Mr. Rush stated he was requested by the applicant to review and advise them on the proposed plan. He stated that several proffers were added in order to enhance the community such as, a emergency access road will be constructed, a bus shelter constructed, recreational area, improvements to the bridge on Merrimac Road and the applicant will pay the water and sewer fees. Mr. Rush indicated there is a need for affordable housing in Montgomery County and believes the proposed request will be an asset to the community. He urged the Board for their support for approval of this request.

Chuck Campbell spoke in opposition of the proposed request. He submitted a petition with 75 signatures of residents in the Merrimac area who opposes the rezoning. Several concerns listed are with traffic congestion; current conditions of the road; blind curves at the proposed entrance to the site; and the one lane bridge over Strouble's Creek. Mr. Campbell agreed that the property needed to be cleaned up but Merrimac Road needs to be improved before a high density apartment complex is constructed.

Robert Graham spoke in opposition of the proposed request. Mr. Graham expressed concerns with the increased traffic this project will generate. He stated Merrimac Road could not safely handle two lanes of traffic and needs to be improved. He also stated that the proposed apartment complex is not suitable for the area.

R.G. Quesenberry spoke in opposition to the proposed request. Mr. Quesenberry believes there are no major changes to the revised plan submitted for rezoning. He believes the major issue to be concerned about is the road and the need for improvements. The road is narrow with high traffic volume. The road needs to be widened and VDOT has no plans for improvement for the near future. Mr. Quesenberry also expressed concerns with the school capacity issue, which needs to be addressed. He indicated that if the property poses a public health hazard then something should to be done at the present time instead of waiting to build apartment complexes.

There being no further speakers, the public hearing was closed.

Tax Exemption Request - New River Community Action

An Ordinance by the Board of Supervisors of the County of Montgomery, Virginia Designating Certain Real And Personal Property Owned by New River Community Action, Inc as Exempt From Taxation

The County Attorney explained that the General Assembly in 2002 granted localities the authority to grant tax exemptions from real and personal property taxes to non-profit organizations. The New River Community Action has requested tax exemption for property owned at 135 Church Street. They already have tax exempt status for property owned at 110 Roanoke Street in Christiansburg. Exemption from real estate will be \$1,755 and exemption from personal property totals \$651.00.

Terry Smusz, Executive Director NRCA, thanked the Board of Supervisors for their past and continued support of NRCA. Ms. Smusz asked the Board for their support in exempting the said property from real and personal property. The funding saved will be used towards the cost of operating the numerous programs through NRCA.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Joseph V. Gorman, Jr. addressed the Board regarding Montgomery County's Wildfire Hazard Reduction Strategic Plan that will be presented later in the meeting. Mr. Gorman urged the Board to adopt and accept the strategic plan and to consider adding some of the key recommendations on wildfire reduction in the County's Subdivision Ordinance.

There being no further speakers, the public address session was closed.

DELEGATION

RC&D - NEW RIVER HIGHLANDS - WILDFIRE HAZARD REDUCTION STRATEGIC PLAN

Joe Brigandi, Project Facilitator, made a presentation on Montgomery County Wildfire Hazard Reduction Strategic Plan. This plan was a grant jointly funded by the Virginia Department of Forestry and the Hazard Mitigation Firewise Community Program. The purpose of the Montgomery County Strategic Plan for Wildfire Hazard Reduction is to help the County and woodland property owners to better understand their wildfire situation. The strategic plan identifies communities that are at high risk. A total of 35 developments in Montgomery County have been identified a high risk for wild fire, with over 1,000 homes. The plan also helps identify resources needed, including training, to minimize the associated risks. Mr. Brigandi explained the next step of the process is for the Board of Supervisors to accept the report and consider including and implementing the recommendations in the comprehensive plan.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated December 13, 2004 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Muffo
Doug Marrs		Steve L. Spradlin
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

A-FY-05-54
COMMONWEALTH'S ATTORNEY
SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, by the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$ 500
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
416014	Fees	\$500

Said resolution appropriates monies received from delinquent collections for use by the Commonwealth's Attorney for local bar dues.

A-FY-05-55
SHERIFF - RECOVERED COSTS
AND APPROPRIATION OF A DMV MINI GRANT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

320	Sheriff – County	\$6,308
321	Sheriff-Grants	<u>3,175</u>
		\$9,483

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
424401	Project Lifesaver	\$ 175
424401	State Grant	\$3,000
419108	Recovered Costs	<u>\$6,308</u>
	Total	\$9,483

Said resolution appropriates recovered costs from deputies working security, Project Lifesaver funds, and a DMV mini grant.

A-FY-05-56
COMPREHENSIVE SERVICES ACT
SUPPLEMENTAL APPROPRIATION
AND TRANSFER FROM SPECIAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

510	Comprehensive Services Act	\$206,556
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445	Comprehensive Services Act	\$206,556
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BE IT FURTHER RESOLVED, that a transfer is hereby authorized as follows:

FROM:

960	Special Contingencies – CSA	(81,688)
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TO:

510	Comprehensive Services Act	\$81,688
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Said resolution appropriates a supplemental allocation from the state for the Comprehensive Services Act and transfers the local match from special contingencies.

R-FY-05-94
FINAL PLAT
HERITAGE PLACE SUBDIVISION
PHASE IV-A

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Heritage Place Subdivision Phase IV-A consists of 25 lots located off Hitching Post Drive (SR 1242) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities: and

WHEREAS, The developer of Heritage Place Subdivision Phase IV-A has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Heritage Place Subdivision Phase IV-A (Gay and Keesee Inc. Job No. 0861.5 dated 02/03/04, Riner Magisterial District including: (1) the stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relived by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association and (2) a green Open Space easement on 11.986 acres to be conveyed to Montgomery County for the sole purpose of the County ensuring that the said property remain designated as Open Space. The County shall not have any obligation to maintain or improve said property.

FURTHER, The Chairman is hereby authorized to sign said subdivision plat and sign and accept on behalf of the County the green space easement for recordation.

R-FY-05-95
SPEED STUDY REQUEST
FAIRVIEW CHURCH ROAD (SR 669)

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Fairview Church Road (SR 669) beginning at the Intersection of Childress Road (SR 693) for approximately two miles on Fairview Church Road to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to improve the safety of this area.

R-FY-05-96
APPOINTMENT
ECONOMIC DEVELOPMENT COMMISSION
CHAMBER OF COMMERCE REPRESENTATIVE

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Allan Bookout** as a Christiansburg/Montgomery County Chamber of Commerce representative to the Montgomery Regional Economic Development Commission effective January 1, 2005 and expiring December 31, 2007.

R-FY-05-97
RESOLUTION OF APPRECIATION
SANDRA LOVERN

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, Sandy Lovern, Montgomery County School Bus Driver, provided a vital public service to our community through her willingness to assist fire and rescue personnel in transporting endangered and displaced citizens who were brought to safety in her assigned school bus; and

WHEREAS, During the time of the flooding **Ms. Lovern** placed the life and safety of others above that of her own; and

WHEREAS, Sandy Lovern, and other citizen volunteers throughout Montgomery County, merit our respect and admiration for their bravery, dedication, hard work, and sacrifice in making Montgomery County a better place to live, work, and raise a family.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to **Sandy Lovern** for her outstanding dedication and service to the citizens of Montgomery County on September 28, 2004.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Sandy Lovern** and that a copy be made a part of the official minutes of Montgomery County.

R-FY-05-98
RESOLUTION OF APPRECIATION
VOLUNTEER FIRE/RESCUE DEPARTMENTS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Montgomery *County's Volunteer Fire Departments and Volunteer Rescue Squads* provide a vital public service to our community; and

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, Through their training and experiences, the loss of life was avoided and those in danger were brought to safety during the time of the flooding when members of the *Volunteer Fire Departments and Volunteer Rescue Squads* placed the life and safety of others above that of their own; and

WHEREAS, The *Volunteer Agencies* throughout Montgomery County merit our respect and admiration for their bravery, dedication, hard work, and sacrifice in making Montgomery County a better place to live, work, and raise a family.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to the *Shawsville Rescue Squad, Elliston Fire Department, Christiansburg Rescue Squad, Long Shop/McCoy Fire Department, Long Shop/McCoy Rescue Squad, Blacksburg Rescue Squad, Radford Fire Department*, and the *New River Swift Water Rescue and Recovery Association* for their outstanding lifesaving services to the citizens of Montgomery County on September 28, 2004 during the remnants of Hurricane Jeanne.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the *Shawsville Rescue Squad, Elliston Fire Department, Christiansburg Rescue Squad, Long Shop/McCoy Fire Department, Long Shop/McCoy Rescue Squad, the Blacksburg Rescue Squad, Radford Fire Department*, and the *New River Swift Water Rescue and Recovery Association* and that a copy be made a part of the official minutes of Montgomery County.

R-FY-05-99
RESOLUTION OF APPRECIATION
PEGGY CARDWELL AND
WAL-MART OF CHRISTIANSBURG

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, During the time of the flooding, *Peggy Cardwell, Loss Prevention Specialist, and Wal-Mart of Christiansburg*, volunteered to assist fire and rescue personnel by providing a meal following a lengthy day in high water and stressful conditions; and

WHEREAS, Montgomery County is a friendlier place to live and work due to the efforts of *Ms. Caldwell and Wal-Mart* during this time of natural disaster; and

WHEREAS, *Ms. Caldwell and Wal-Mart* merit our respect and admiration for their donation and willingness to assist in making Montgomery County a better place to live, work, and raise a family.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to *Peggy Cardwell and Wal-Mart* for their commitment of giving back to their community.

BE IT FURTHER RESOLVED, That the original of this resolution be presented *to Peggy Cardwell and Wal-Mart* and that a copy be made a part of the official minutes of Montgomery County.

R-FY-05-100
RESOLUTION OF APPRECIATION
HALE'S RESTAURANT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, *Hale's Restaurant of Shawsville* provided a vital public service to our community volunteers through their willingness to assist the Emergency Services Coordinator by providing meals at a discounted cost to fire and rescue personnel during the early morning hours of a day of high water and stressful conditions; and

WHEREAS, Businesses such as *Hale's Restaurant* throughout Montgomery County merit our respect and admiration for their donation and willingness to assist in making Montgomery County a better place to live, work, and raise a family.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to *Hale's Restaurant* for their commitment of giving back to their community.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Hale's Restaurant* and that a copy be made a part of the official minutes of Montgomery County.

R-FY-05-101
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY CHAPTER
OF THE AMERICAN RED CROSS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, The *Montgomery County Chapter of the American Red Cross* provided a vital public service to our citizens and fire and rescue volunteers; and

WHEREAS, Through their disaster preparedness training and efforts provided shelter and refreshments for citizens of Montgomery County who were evacuated from their homes due to high water; and

WHEREAS, Montgomery County is a friendlier place to live and work due to the efforts of the *Montgomery County Chapter of the American Red Cross* during this time of natural disaster; and

WHEREAS, The *Montgomery County Chapter of the American Red Cross* merits our respect and admiration for their willingness to assist in making Montgomery County a better place to live, work, and raise a family.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to the *Montgomery County Chapter of the American Red Cross* for their commitment to Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the ***Montgomery County Chapter of the American Red Cross*** and that a copy be made a part of the official minutes of Montgomery County.

R-FY-05-102
RESOLUTION OF APPRECIATION
VIRGINIA DEPARTMENT OF TRANSPORTATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Virginia Department of Transportation (VDOT) employees provide a vital public service to our community; and

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, Through their training, equipment and skills, the loss of life was avoided and those in danger were brought to safety during the time of the flooding when VDOT employees placed the life and safety of others above that of their own; and

WHEREAS, Montgomery County is a safer place to live and work due to the efforts of ***Employees*** such as those of the ***Virginia Department of Transportation*** providing these lifesaving services during this time of natural disaster; and

WHEREAS, The ***Employees*** of the ***Virginia Department of Transportation*** merit our respect and admiration for their bravery, dedication, hard work, and sacrifice in making Montgomery County a better place to live, work, and raise a family.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to the ***Employees*** of the ***Virginia Department of Transportation*** for their commitment to Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the ***Employees*** of the ***Virginia Department of Transportation*** and that a copy be made a part of the official minutes of Montgomery County.

R-FY-05-103
RESOLUTION OF APPRECIATION
THE NEW RIVER MEDIA GROUP

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, *The New River Media Group* provided a vital public service to our community through their media, responsiveness and experience, and loss of life was avoided and those in danger were spared; and

WHEREAS, During the time of the flooding *New River Media Group* placed the life and safety of others as a priority release of information and news broadcasting, keeping citizens informed of changes in the rising water and efforts to rescue those in danger; and

WHEREAS, *New River Media Group's* efficient and effective response to the pages sent and dissemination of this urgent and potentially life threatening information is both and recognized and appreciated by the Montgomery County Board of Supervisors; and

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to the *New River Media Group*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the *New River Media Group* and that a copy be made a part of the official minutes of Montgomery County.

R-FY-05-104
RESOLUTION OF APPRECIATION
EASTERN MONTGOMERY HIGH SCHOOL

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, During the early morning hours of September 28, 2004 the eastern portion of Montgomery County was experiencing high water as a result of heavy rain due to Hurricane Jeanne causing considerable flooding throughout the area; and

WHEREAS, *Eastern Montgomery High School* provided space for the Montgomery County Chapter of the American Red Cross; and

WHEREAS, *Eastern Montgomery High School* provided shelter for citizens of Montgomery County who were evacuated from their homes due to high water; and

WHEREAS, *Eastern Montgomery High School* merits of respect and admiration for their donation and willingness to assist in making Montgomery County a better place to live, work, and raise a family.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its appreciation and gratitude to ***Eastern Montgomery High School*** for its commitment to Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Eastern Montgomery High School*** and that a copy be made a part of the official minutes of Montgomery County.

OLD BUSINESS

ORD-FY-05-18

AN ORDINANCE AMENDING CHAPTER 2 SECTION 2-107 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA ENTITLED TAX EXEMPTIONS AND DEFERRALS FOR ELDERLY AND HANDICAPPED BY INCREASING THE ELIGIBILITY LIMITS FOR EXEMPTION FROM OR DEFERRAL OF TAXATION OF REAL ESTATE FOR THE ELDERLY AND DISABLED

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Section 2-107 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

Sec. 2-107. Established; restrictions and conditions.

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, section 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

(1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed twenty-five thousand dollars (\$25,000) provided that the first ten thousand dollars (\$10,000) ~~six thousand five hundred dollars (\$6,500)~~ of income of each relative

other than the spouse of the owner who is living in the dwelling and the first ten thousand dollars \$10,000 of income for an owner who is permanently disabled shall not be included in such total.

(2) That the net combined financial worth, including the present value of all equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and furnishings in the dwelling including furniture, household appliances and other items typically used in a home and the land, not exceeding one (1) acre, upon which it is situated does not exceed eighty thousand dollars (\$80,000).

(3) That the person or persons claiming such exemption files annually no later than the first day of March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S. C. ' ' 423(d) by the Social Security Administration so long as the person remains eligible for such Social Security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (e). Such certification, written statement, or affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first time applicants. The commissioner of the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the thirty-first day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section including, qualifications as permanently and totally disabled as defined in subsection (e) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling. The commissioner of the revenue of the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the

taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

Annual Income (Calendar Year)	For Qualified Persons the Percentage of Tax Which May Be Exempted
\$0 – 16,000 <u>16,500</u>	100%
16,001 <u>16,501</u> – 20,000 <u>20,600</u>	60%
20,001 <u>20,601</u> – 25,000 <u>26,000</u>	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within the limits and conditions provided in subsections (a) and (b) of this section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

ADOPTED by the Board of Supervisors of the County of Montgomery, Virginia, this 13th day of December, 2004.

The vote on the foregoing ordinance was as follows:

AYE

Doug Marrs
Annette S. Perkins
Gary D. Creed
Mary W. Biggs
James D. Politis

NAY

None

ABSENT

John A. Muffo
Steve L. Spradlin

**ORD-FY-05-19
ORDINANCE AMENDING CHAPTER 10,
ENTITLED ZONING, SECTIONS 10-21 THROUGH 10-29,
SECTION 10-31, AND SECTIONS 10-34 THROUGH 10-36
OF THE CODE OF THE COUNTY OF MONTGOMERY**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, Entitled Zoning, Sections 10-21 Through 10-29, Section 10-31, And Sections 10-34 Through 10-36 Of The Code Of The County Of Montgomery By Changing The Purpose And Qualifying Lands For The A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1 Residential, R-2 Residential, R-3 Residential, RM-1 Multiple-Family Residential, GB General Business, CB Community Business And M-L Manufacturing Light Districts And The Qualifying Lands And Certain Lot Requirements For PUD-COM Planned Unit Development Commercial District And PUD-RES Planned Unit Development Residential District In Order To Be Consistent With The New 2025 County Comprehensive Plan as follows:

Sec. 10-21. A-1 Agricultural District.

- (1) *Purpose.* The A-1 Agricultural District is intended to preserve and enhance the rural, low density character and natural resources of the rural portions of the county where agriculture, forest and open space uses predominate, as well as to accommodate limited amounts of low density residential development that is generally not served by public water or wastewater systems.

This district is generally intended to apply to lands designated in the comprehensive plan as ~~agricultural areas or rural areas~~ *rural or resource stewardship areas*. Land in this district is generally not intended to be served with public water or wastewater or to be in proximity to other public services.

- (2) *Qualifying lands.* Lands qualifying for inclusion in the A-1 zoning district shall be those within the current A-1 district on the date of adoption of this chapter and other lands within areas mapped as ~~agricultural or rural~~ *rural or resource stewardship* in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be ten (10) acres of total contiguous land.

Sec. 10-22. C-1 Conservation District.

- (1) Purpose. The C-1 Conservation District is established for the specific purpose of providing recreational, conservation and scenic areas for the growing population of the county and its vicinity. It is intended to facilitate the conservation of water and other natural resources, to assist the U.S. Forest Service with its conservation programs, to encourage the closure of the boundaries of the national forest within one (1) contiguous conservation area and to encourage the retention of the open space characteristic of excessive slope and floodplain areas or other areas not amenable to good development practices. This district contains all of the forest and mountain land in the Jefferson National Forest. The land area of this district is essentially undeveloped open space, except for some private holdings. This district is generally intended to apply to lands designated in the comprehensive plan as ~~conservation areas~~ *rural or resource stewardship areas*.
- (2) Qualifying lands. Lands qualifying for inclusion in this district shall be current C-1 on the date of adoption of this chapter and other lands within areas mapped as ~~conservation~~ *rural or resource stewardship* in the comprehensive plan. Qualifying lands shall not generally include those served or planned to be served by public water or sewer service. The minimum area required to create a district is twenty (20) acres of total contiguous land.

Sec. 10-23. R-R Rural Residential District.

- (2) Qualifying lands. Lands qualifying for inclusion in the R-R zoning district shall be within areas mapped as ~~rural expansion~~ or *rural, rural communities, or residential transition* in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be five (5) acres of contiguous total land.

Sec. 10-24. R-1 Residential District.

- (2) Qualifying lands. Lands qualifying for inclusion in the R-1 zoning district shall be R-1 residential on the date of adoption of this chapter and other lands within areas mapped as ~~rural expansion~~ *residential transition, village, village expansion, or urban expansion* in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

Sec. 10-25. R-2 Residential District.

- (2) Qualifying lands. Lands qualifying for inclusion in the R-2 zoning district shall be R-2 residential on the date of adoption of this chapter and other lands within areas mapped as ~~rural expansion~~ *residential transition, village, village expansion, or urban expansion* in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

Sec. 10-26. R-3 Residential District.

- (2) Qualifying lands. Lands qualifying for inclusion in the R-3 zoning district shall be R-3 Residential on the date of adoption of this chapter and other lands within areas mapped as ~~rural expansion~~ *residential transition, village, village expansion*, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be two (2) acres of total contiguous land.

Sec. 10-27. RM-1 Multiple-Family Residential District.

- (2) Qualifying lands. Lands qualifying for inclusion in the RM-1 zoning district shall be RM-1 Residential on the date of adoption of this chapter and other lands within areas mapped as urban expansion, *village, or village expansion* in the comprehensive plan. The minimum area required to create a district is one (1) acre of total contiguous land.

Sec. 10-28. GB General Business.

- (2) Qualifying lands. Lands qualifying for inclusion in the district shall be those within the current GB district on the date of adoption of this chapter, or other lands within areas mapped as *village, village expansion, or* urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

Sec. 10-29. CB Community Business.

- (1) Purpose. The Community Business, CB district is intended to create locations in the county for the provisions of nonintensive and small scale commercial services to the ~~rural expansion, agricultural and rural residential areas~~ *rural communities, residential transition, village, village expansion, or urban expansion* designated in the comprehensive plan. Such locations shall be designated principally along the secondary road system where they are in the best interest of promoting community life and reducing travel costs. The scale and character of uses shall be compatible with crossroads settlement and village locations. Lighting, hours of operation and other characteristics shall respect neighboring uses and community character.

Activities in CB districts shall have limited traffic and other impacts on uses in other districts through proper location at street intersections, preference for locations adjoining existing nonresidential uses and zoning, and provision of space and physical buffers as prescribed. Areas designated for ~~commercial and commercial node~~ use in the comprehensive plan are best suited for rezoning to this district.

- (2) Qualifying lands. Lands qualifying for inclusion in the district shall be those within the current CB district on the date of adoption, or other lands within areas mapped as ~~rural expansion, agriculture or rural~~ *rural communities, residential transition, village, village expansion, or urban expansion* in the comprehensive plan which are

served by or planned for connections to public sewer and water. Locations not meeting county criteria may be permitted if all water and sewage disposal facilities are approved by health official prior to approval of rezoning or special use permit. The minimum area required to create a district shall be one (1) acre of total contiguous land.

Sec. 10-31. M-L Manufacturing-Light.

- (2) Qualifying lands. Lands qualifying for inclusion in the district shall be lands within areas mapped as urban expansion, *village*, or *village expansion* ~~or rural expansion~~ in the comprehensive plan which are served by or planned for connections to public sewer and water.

Sec. 10-34. PUD-COM Planned Unit Development-Commercial District.

- (2) Qualifying lands. Lands qualifying for inclusion in the district shall be PUD-COM on the date of passage of this chapter, or other lands within areas mapped as *village*, *village expansion* or urban expansion ~~or rural expansion~~ in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land

- (5) Lot requirements.

- (a) Minimum lot area, density.

1. Lot area shall be determined by designation of one (1) or more base district (article II) designations from the GB or an R district on each land bay in the approved concept development plan. Variations from base district lot area may be permitted by the board of supervisors in cases where amenities and landscaping/open space quantities in excess of zoning ordinance minimum requirements are provided as part of approval of the concept development plan.
2. Density on nonresidential portions of the project shall be a maximum of 0.40 floor area ratio in urban expansion areas and 0.25 floor area ratio in ~~rural expansion areas~~ *village or village expansion areas*. Density on residential portions of the project shall not exceed six (6) dwelling units per net acre in urban expansion areas and ~~two (2)~~ *three (3)* dwelling units per acre in *village or village expansion areas* ~~rural expansion areas~~. ~~No variations may be permitted.~~

Sec. 10-35. PUD-RES Planned Unit Development-Residential district.

- (2) Qualifying lands. Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as *village*, *village expansion* or urban expansion ~~or rural expansion~~ in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be fifty (50) net acres of total contiguous land *in the urban expansion area and twenty (20) net acres in the village or village expansion area.*

- (5) Lot requirements.
- (a) Minimum lot area, density.
1. Lot area shall be determined by designation of one (1) or more base district (article II) designations on each land bay in the approved concept development plan. Variations from base district lot area may be permitted by the board of supervisors in cases where amenities and open space quantities in excess of zoning ordinance minimum requirements are provided as part of approval of the concept development plan.
 2. Density shall be a maximum of four (4) dwelling units per net residential acre in urban expansion areas and ~~two (2)~~ *three (3)* dwelling units per net residential acre in *village or village expansion* ~~rural expansion~~ areas. ~~No variations may be permitted.~~

Sec. 10-36. PMR Planned Mobile Home Residential Park.

- (2) Qualifying lands. Land qualifying for inclusion in the district shall be PMR on the date of passage of this chapter, or other lands mapped as *residential transition, village expansion or* urban expansion in the comprehensive plan which are served by or planned for connection to public water and sewer service. New PMRs shall be serviced by connections to public sewer and water. Expanded PMRs shall have: (1) water and sewer as for new PMR, or (2) have water and sewer service meeting current VDH and DEQ standards encompassing both established and expansion portions of the PMR. The minimum area required to create a district shall be six (6) acres of total contiguous land.

Additions shown in italics

Deletions shown in strike-through

The vote on the foregoing ordinance was as follows:

AYE

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

Doug Marrs

James D. Politis

NAY

None

ABSENT

John A. Muffo

Steve L. Spradlin

R-FY-05-105
TABLE
2004-2005 REVENUE SHARING PROJECTS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby **TABLES** the 2004-2005 Revenue Sharing Projects until all Board members are present in order to discuss potential projects.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Mary W. Biggs		Steve L. Spradlin
Doug Marrs		
Annette S. Perkins		
James D. Politis		

NEW BUSINESS

R-FY-05-106
RESOLUTION OF CONTINUED PARTICIPATION
IN THE NEW RIVER VALLEY REGIONAL
WATER SUPPLY STUDY

On a motion by Annette S. Perkins second by Mary W. Biggs and carried unanimously,

WHEREAS, The New River Valley Planning District Commission prepared on behalf of the localities and the water supply authorities in the region, *New River Valley Water Supply Plan, Phase I*, which concluded that the region has the resources to produce some 32 million gallons of potable water each day, the public water supply entities can not take advantage of the potential supply, even in emergency situations because they are un-connected or under connected; and

WHEREAS, The study is continuing to evaluate the ability to serve areas within the region in which public water supply is not available; and

WHEREAS, The Policy Advisory Committee recognizes that significant discussions and study are needed before establishing a regional water supply authority whose purpose would be to provide the production and distribution of public water within the region; and

WHEREAS, There is an opportunity to apply for additional grant support from USDA Rural Development through the New River Valley Development Corporation to support continued study.

NOW, THEREFORE BE IT RESOLVED, That Board of Supervisors of the County of Montgomery, Virginia hereby agrees to continue participation in the Policy Committee believing that it is in their interest to continue to explore the conditions under which a regional water supply authority might be created.

BE IT FURTHER RESOLVED That the governing body recognizes that the grant will require matching funds (likely in the range of \$25,000 to \$35,000) which would be shared among the organizations wishing to continue the study.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		Steve L. Spradlin
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

R-FY-05-107
MEMORANDUM OF UNDERSTANDING
PEPPERS FERRY REGIONAL WASTEWATER
TREATMENT AUTHORITY
SEPTIC SERVICE OUTSIDE SERVICE AREA

On a motion by Annette S. Perkins second by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to enter into a Memorandum of Understanding with Peppers Ferry Regional Wastewater Treatment Authority for Septage Service Outside of Service Area for Calendar Year 2005 on behalf of Montgomery County.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to execute all necessary documents.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		Steve L. Spradlin
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

R-FY-05-108
PROCEDURES FOR CITIZEN
APPOINTMENTS TO BOARDS/
COMMITTEES/COMMISSIONS

On a motion by Annette S. Perkins second by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following procedures will be followed for citizen appointments to boards/committees/commissions/authorities:

- 1) All vacancies will be advertised with display ads in the Roanoke Times and the News Messenger
- 2) Applicants will submit an application and/or a letter of interest with resume
- 3) Confirm that applicant is a registered voter with no delinquent taxes

BE IT FURTHER RESOLVED, That applicants seeking appointment to the Community Services Board, Community Policy Management Team (CPMT), Industrial Development Authority (IDA), Juvenile Detention Commission, Montgomery-Floyd Regional Library Board, Planning Commission, and the Social Services Board may also be subject to the following additional procedures:

- 4) The Board of Supervisors will establish a committee to interview applicants for citizen appointments. Committee shall consist of the Chairman of the Board of Supervisors, the Vice Chair, and the County Administrator or their designee.
- 5) The Board of Supervisors will determine which applicants will be offered interviews
- 6) The Interview Committee will interview applicants for appointment. Interviews will be held following agenda review meetings when possible. The interviewee will be asked to complete a background check consent form.
- 7) The Interview Committee will report back to the Board of Supervisors with a recommendation
- 8) The Board of Supervisors makes the appointment, subject to background check

This policy shall be effective January 1, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Annette S. Perkins		Steve L. Spradlin
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

R-FY-05-109
“WATCH FOR CHILDREN” SIGNAGE
ON BRAKE ROAD (SR 631)

On a motion by Mary W. Biggs, second by Doug Marrs and carried unanimously,

WHEREAS, A petition was received from residents on Brake Road (SR 631) requesting that a “Watch for Children” sign be erected on Brake Road; and

WHEREAS, Pursuant to the Board of Supervisors policy adopted on June 12, 2000, the following criteria must be met:

- The road must have a daily traffic count of at least 200 vehicles (Brake Road has 940 vehicles per day from US 11/460 to Route 732 and 830 vehicles per day from Route 732 to Dead End)
- The road must be 300 feet or more in length (Brake Road is approximately 2.28 miles long)
- The road must be classified, by the Virginia Department of Transportation, as a minor collector or local road (Brake Road is classified as a local road); and

WHEREAS, Staff has reviewed this request and has determined that Brake Road (SR 631) meets the criteria for placement of “Watch for Children” signs.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby requests the Virginia Department of Transportation Commissioner to approve the placement of “Watch for Children” signage on Brake Road (SR 631) located off of US 11/460 in the Elliston community.

BE IT FURTHER RESOLVED, The source of funding for installation of the signage shall be the secondary system construction allocation to Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Gary D. Creed		Steve L. Spradlin
Mary W. Biggs		
Doug Marrs		
James D. Politis		

A-FY-05-57
ECONOMIC DEVELOPMENT
LAND PURCHASE AND SITE WORK

On a motion by Mary W. Biggs, second by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

810 Economic Development	\$216,500
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account	
451203	Undesignated Fund Balance \$216,500

Said resolution appropriates monies for the purchase of land and site work for the expansion of the Falling Branch Industrial Park to be repaid by the Industrial Development Authority under an existing agreement.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Mary W. Biggs		Steve L. Spradlin
Doug Marrs		
Annette S. Perkins		
James D. Politis		

COUNTY ATTORNEY'S REPORT

WinVote Machines

The County Attorney reported that under the Voting Rights Act the County must receive approval by the U.S. Justice Department for approved used of the WinVote Touch Screen Voting Machines. The County submitted their request to change the type of machines used and should have the Attorney General's approval within the next 60 days.

Sale of Delinquent Tax Parcels

The County Attorney reported that the first auction of delinquent tax property is scheduled for January 21, 2005 at the Montgomery County Government Center. All tax parcels to be auctioned off are delinquent seven years or more and mostly undeveloped.

COUNTY ADMINISTRATOR'S REPORT

Montgomery County Water Authority Membership Request

The County Administrator reported that the Water Authority accepted the County's two conditions in order to proceed with the necessary study of the County's request to join the Blacksburg-Christiansburg-VPI Water Authority. The Water Authority has responded back that it will be necessary to hire a consultant to assist the Water Authority staff to prepare the Request for Proposal. They are requesting the County to fund the cost of hiring the consultant and the cost should be minimal and the County Administrator recommended approval.

By consensus of the Board of Supervisors, the County Administrator was authorized to include the cost of hiring a consultant to be funded by the County as part the total study cost.

BOARD MEMBERS' REPORTS

Supervisors Biggs attended the Planning District Commission meeting on December 7, 2004. A presentation was given on the Radford Arsenal and federal cutbacks.

Commerce Park – Supervisors Biggs attended the Commerce Park meeting on December 8, 2004. She stated progress was moving slowly.

Supervisor Marrs - Pollard Road Supervisor Marrs asked if Mr. Robert Dowdy called back with information on what road or roads he had concerns with. The County Administrator reported he has not received any additional information to date and will follow up with Mr. Dowdy.

Supervisor Creed – Lavender Road – Low Water Bridge Supervisor Creed reported that VDOT will be making repairs to the low water bridge on Lavender Road in the Spring 2005.

Supervisor Perkins –Right of Entry Letter – Water & Sewer Easement to PSA along Huckleberry Trail Supervisor Perkins explained that the Public Service Authority will need to begin construction along the Huckleberry Trail before an easement can be conveyed by the Board of

Supervisors. She asked the Board to consider granting a right of entry to the PSA to allow them to begin the necessary work.

**R-FY-05-111
RIGHT TO ENTRY
PUBLIC SERVICE AUTHORITY
HUCKLEBERRY TRAIL**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to send a letter of Right to Entry to the Public Service Authority granting the PSA entry along the Huckleberry Trail in order to begin construction on water and sewer lines along the Huckleberry Trail near Hightop Road and Huckleberry Lane.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		Steve L. Spradlin
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 1. Economic Development Commission

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business= or industry=s interest in locating or expanding its facilities in the community.

1. Expansion of Existing Business

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Poor Mountain Tower Site

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Gary D. Creed		Steve L. Spradlin
Annette S. Perkins		
Mary W. Biggs		
James D. Politis		

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Gary D. Creed		Steve L. Spradlin
Annette S. Perkins		
Mary W. Biggs		
James D. Politis		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Gary D. Creed
Annette S. Perkins
Mary W. Biggs
Doug Marrs
James D. Politis

NAYS

None

ABSENT DURING VOTE

John A. Muffo
Steve L. Spradlin

ABSENT DURING MEETING

John A. Muffo
Steve L. Spradlin

APPOINTMENTS

R-FY-05-110 APPOINTMENT ECONOMIC DEVELOPMENT COMMISSION MONTGOMERY REGIONAL

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Michael B. Miller** to the Montgomery Regional Economic Development Commission effective January 1, 2005 and expiring December 31, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		Steve L. Spradlin
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, January 10, 2005.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		Steve L. Spradlin
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

The meeting adjourned at 10:45 p.m.